

Court of Appeals, State of Michigan

ORDER

People of MI v Timothy Gerard Moore

Docket No. 280292

LC No. 05-034568-FH

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

Pursuant to MCR 7.216(A)(7), the Court orders that the judgment appealed from, the amended judgment of sentence entered on August 27, 2007, is VACATED. The judgment must be vacated because the trial court lacked jurisdiction for the resentencing while defendant-appellant's timely application for leave to appeal to our Supreme Court remained pending. Jurisdiction will return to the trial court when the record is returned from our Supreme Court under MCR 7.311(B). See MCR 7.215(F)(1) and MCR 7.302(C)(5)(a). The motion to hold the appeal in abeyance is DISMISSED AS MOOT. The Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 11 2008

Date

Sandra Schultz Mengel
Chief Clerk